



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BLACKSHEAR, William M., Jr.

Serial No: **09/894,174**

Group Art: 3626

Date Filed: June 27, 2001

Examiner: R. Rines

For: **MANAGEMENT METHOD OF PERSONS AT RISK OF
COMPLICATIONS OF ARTERIAL OCCLUSIVE DISEASE**

RESPONSE

Commissioner of Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

SIR:

The outstanding Office Action of June 24, 2008 rejects Claim 17 under 35 U.S.C. 101 as directed to non-statutory subject matter and under 35 U.S.C. 103(a) as unpatentable over Crutchfield (US 6,699,193).

As the claimed invention serves to diagnose and treat a patient, Examiner Rines states that the invention will produce a result that is both useful and tangible. However, in order for a method to produce concrete result, the function result must be repeatable. Examiner Rines has taken the position that the invention as defined by claim 17 is subject to human judgment and could direct the process in different directions. Thus the result of the claimed invention is not repeatable.

In addition, Examiner Rines has maintained that the evidence submitted predating Crutchfield is insufficient to establish either conception or a reduction to

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